
UNITED STATES OF AMERICA,

Plaintiff,

V.

RYAN C. BUNDY,

Defendant.

2:16-cr-00046-GMN-PAL

DEFENDANTS RYAN C. BUNDY

REPLY TO GOVERNMENT

OPPOSITION TO DEFENDANT RYAN

BUNDY'S MOTION FOR OWN

RECOGNIZANCE OR BAIL PENDING

TRIAL (ECF No. 1157)

CERTIFICATION: Pursuant to Local Rule 12-1, this Motion is timely.

The Defendant without counsel and assisted on a very limited capacity “Standby Counsel” Angela Dows, files this rely to the Government in opposition to the Government as filed on December 19, 2016, Dkt. # 1157.

Upon appearance in this matter defendant **demands any person** that speaks, including the prosecutor and the defendant be sworn in.

To date there has not been a single live witness, under oath, to present evidence. Magistrate Foley's overruling of Defendant Ryan Bundy's objections was untimely and most importantly was only based on oral argument. No witness(s) or evidence has been presented in this matter and further during the first appearance and the detention hearing. The Defendant was in solitary

confinement and as the direct results of this legal confinement, unable to defend himself.

Moving to the Government Objection, it is interesting to note that the Plaintiff; the United States of America¹ (“USA”) is not the same entity as a matter of law by definition is not the same “United States”² (“US”) (pg. 1, ln. 18) proceeding in the instant action.

The USA has no standing to bring a criminal action outside the territories (18 U.S.C. §5) and inside one of the several states. The US may have special or concurrent jurisdiction in “[a]ny lands reserved or acquired for the use of the United States, an under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the consent of the legislature of the States in which the same shall be, for other needful buildings.” (18 U.S.C. §7(3)) [Emphasis added]

No evidence has been presented regarding the actual alleged crime scene.

The special jurisdiction under the enclave clause, depends on several factors, were not plead with specificity in the sham Indictment. Clearly a jurisdictional question of law appears in the face of the Governments opposition pleading. That must be settled before the Court

¹ **United States of America.** The nation occupying the territory between British America [Canada] on the north, Mexico on the south, the Atlantic Ocean and Gulf of Mexico on the east, and the Pacific Ocean on the west; being the republic whose organic law is the constitution adopted by the people of the thirteen states which declared their independence of the government of Great Britain on the fourth day of July, 1776. (A LAW DICTIONARY, ADAPTED TO THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA AND OF THE ~~Seberal~~ **Several States of the American Union**: with reference to the Civil and other systems of Foreign Law, By John Bouvier, 14th Ed. Revised and Greatly Enlarged. Vol. II, pg. 622. Col. 1) [~~Seberal~~ and old English font in original]

“In the United States of America, **there are two (2) separated and distinct jurisdictions**, such being the jurisdiction of the [*Union or several*] states within their own state boundaries [*subject to the laws created by their own legislature as a sovereign*], and **the other being federal jurisdiction (United States)**, which is limited to the District of Columbia, the U.S. Territories and federal enclaves within the states, under Article I, Section 8, Clause 17.” *Bevans v. United States*, 16 U.S. 336 (1818)

² The term “United States,” as used in this title in a territorial sense, included all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone. (Title 18 U.S.C. § 5; History of 18 U.S.C. §5; June 25, 1948; P.L., 80-722, 62 Stat. 685.)

“The United States is located in the District of Columbia.” Uniform Commercial Code § 9-307(h)

The “United States” as defined in United States Code, Title 28 § 3002(15) means: “United States” means— (A) a Federal corporation; (B) an agency, department, commission, board, or other entity of the United States; or (C) an instrumentality of the United States.

can proceed. (Dkt. #1157, pg. 1, ln. 1)

There is no Jurisdiction statement in the Complaint, Indictment or Superseding Indictment that could factually settle the question.

A hearing is required to establish admissible evidence of the locus delicti of the alleged criminal acts which would establish the Vicinage of the crime and determine the proper court with general jurisdiction for the trial.

Multiple allegations refer to different territorial jurisdictions including three states, namely the state of Nevada, the state of Oregon and the state of Utah. A question of law exists; does the “District Court of Nevada have jurisdiction over actions committed in another state; namely the state of Utah? If the answer is; no, then is it merely a prosecutor puffing to bring up what actions or events took place in Utah.

In the Government’s opposing statement, they state: “[t]he information proffered by government counsel [*note: no witnesses called by the Government*] included not only R. Bundy’s role in the April 12 assault but also the following: R. Bundy’s involvement in the March 28, 2014 interception of the BLM’s hired contractor’s convoy; and his April 2, 2014 disruption of a **Richfield, Utah** sale barn that had contracted with the BLM to auction the impound cattle . . .”. (Gov. Opposition, dkt. #1157, pg. 6, line 13-24) How does the District Court in the state of Nevada have jurisdiction over those charges?

A full evidentiary hearing is required to determine if the Defendant blocked or interfered with BLM’s contractors and / or if Ryan Bundy threatened any person at the auction in Utah.

Additionally a full evidentiary hearing is required to determine if the “private contractor(s)” were federal officers.

Additional finding should address the question of law, whether actions or events regarding private contractor(s) and / or “federal officers” and Utah, a sovereign foreign to the state of Nevada and outside of the jurisdiction of the District Court of Nevada and / or any federal enclave.

A full evidentiary hearing is required to determine if: 1) the “private contractors” as a

matter of law, qualify as “Public Law Enforcement” and 2) if events that allegedly happened in another jurisdiction can result in an indictment by the Nevada Grand Jury.

If the private contractors are not public officers, then findings by Magistrate Foley must be stricken and the reference in the Government Opposition be stricken.

The government goes on to say “[t]he information proffered by government counsel included not only R. Bundy’s role in the assault . . .”. (Gov. Opposition, dkt. #1157, pg. 6, line 13-24)

A full evidentiary hearing is required to determine if, the government falsely alleged the peaceful public protest qualified as an “assault” on federal officers.

An assault is defined as: 1. **a sudden violent attack; onslaught.** 2. **an unlawful physical attack upon another, esp. an attempt or threat to do bodily harm.** (Random House Webster’s College Dictionary, WordGenius 4.1)

A full evidentiary hearing is required to determine if: the finding by Magistrate Foley was based on fact or fiction.

A full evidentiary hearing is required to determine present real evidence, witnesses and videos are needed to prove there never was an assault on a federal officer.

If the assault never happened then the attorneys presenting the false charges should be sanctioned and the Honorable Magistrate Foley findings stricken as based on false pleadings.

Additionally any charges based on this false claim should be stricken from the sham Indictment.

Ryan Bundy makes an **Offer of Proof** that he needs to subpoena the following witnesses (including but not limited) to Deputy Sheriff Mark McQuinn (from Bunkerville and now a teacher), Deputy Sheriff Thomas Roberts, and Deputy Sheriff Joseph Lombardo current Sheriff of Clark County. Each was present in this so called assault.

Ryan Bundy **has numerous more witnesses** that were personally present at the various events including the so called “assault” location (actually a public protest) who can be called to testify as defense witnesses.

Ryan Bundy makes an **Offer of Proof**; the contrary to the Government's false unfounded allegations that local law enforcement was present-on-site at so called "violent" "assault".

Ryan Bundy makes an **Offer of Proof** that Local Law Enforcement was **ON PROTESTORS SIDE OF THE FENCE; and was backed by the Local Metro Swat Team.**

Defendant Ryan Bundy makes an **Offer of Proof** that DURING THIS so called assault that he (Ryan Bundy) was peacefully (at Liberty unrestrained) sitting in Deputy Sheriff Mark McQuinn's squad car with a side arm exercising his lawful 2nd Amendment right to carry personal protection.

Defendant Ryan Bundy makes an **Offer of Proof**; the local Sheriff negotiated with representatives of BLM to withdraw all government assets and release the cattle.

Defendant Ryan Bundy makes an **Offer of Proof**; including a video of an event wherein the Sheriff met with Cliven Bundy where the Sheriff announced the BLM was going to withdraw.

Defendant Ryan Bundy also makes an **Offer of Proof**; his father Cliven Bundy, was not at this event. **The Sheriff's Deputies and the Metro Police Officers** and many onsite protestors can testify that Cliven Bundy was not on-site in this event.

Defendant Ryan Bundy also makes an **Offer of Proof**; that his brother Ammon Bundy was at the protest, but was also accompanied by Deputy Sheriff Tom Roberts.

Defendant Ryan Bundy also makes an **Offer of Proof**; that is brother Ammon Bundy was not armed during this protest.

Defendant Ryan Bundy makes an **Offer of Proof**; that during most of the so called assault (actually a peaceful protest) that Ryan, Ammon and the other public protestors cooperated with and had the support of local law enforcement.

Ryan Bundy makes an **Offer of Proof**; that the only violence during the entire period of time was brought by the BLM.

Ryan Bundy **makes an Offer of Proof**; the incident triggering the spontaneous protest was when his 57 year old Aunt Margret was violently and brutally assaulted by a BLM THUG when he threw her from behind to the ground upside down (caught on video) while taking pictures of

the BLM drivers and contractors.

CALLS FOR AN OFFER OF PROOF BY GOVERNMENT ACTORS

Ryan Bundy also calls for an **Offer of Proof**; that the Government had no lawful authority to enforce a civil COURT ORDER inside the sovereign state of Nevada and specifically outside the territory of the United States as defined in Title 18 U.S.C § 5.

Ryan Bundy calls for an **Offer of Proof**; regarding the witness(s) and evidence that Magistrate Foley based his findings on that “. . . R. Bundy posed a risk of non-appearance by the allegations, regarding his refusal to obey and reject court orders.

Ryan Bundy calls for an **Offer of Proof**; that the locus delicti (crime scene) was as a matter of fact and law, inside the Territory of the United States and outside the sovereign state of Nevada.

Ryan Bundy calls for the Government to make an **Offer of Proof**; identify the “Federal Officer(s) (my accusers) that I personally threatened any officer or brandished a fire arm at any officer.

Ryan Bundy calls for an **Offer of Proof**; that any live fact competent (non-government) witness, that Magistrate Foley examined, determined that I am a flight risk or risk of non-appearance.

Ryan Bundy calls for an **Offer of Proof**; that Cliven Bundy’s sons (Ryan, Ammon, Davy or Mel were named in and subject to, the so called COURT ORDER. (See offer of proof, **EXHIBIT 02**, a true and correct copy of the ORDERS, the Government alleges was violated.)

STIPULATES TO THE FOLLOWING POINTS:

Defendant Ryan Bundy makes this stipulation: he was peacefully exercising his 6th Amendment right by wearing a holstered side arm; including when he was peacefully sitting in the patrol car (as a free citizen not under arrest or restraint) with Deputy Mark McQuinn.

Defendant Ryan Bundy stipulates he made the free speech statement excitably waving a hat not a gun and shouted “*the west has now been won*”.

No facts have been alleged that would definitely establish with any degree of certainty; the locus delicti.

Regarding COUNT THREE; there is no factual basis to support the charge in COUNT THREE inserted herein:

“120. Paragraphs 1 through 114 are incorporated herein in full.”

“121. On or about April 12, 2014, in the State and Federal District of Nevada and elsewhere, CLIVEN D. BUNDY, RYAN C. BUNDY, AMMON E. BUNDY, RYAN W. PAYNE, and PETER T. SANTILLI, Jr., defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did knowingly use and carry firearms, which were brandished, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is conspiracy to impede and injure an officer. All in violation of Title 18, United States Code, Section 372, as charged in Count Two of this Indictment. All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.”

Paragraph 120, this is a sham statement, (void of facts) merely common practice used drafting civil pleadings, but hardly the kind of language a properly impaneled, de jure Grand Jury makes in factual findings.

Paragraph 121, this is a sham statement written almost entirely in the language of the statute. This has no facts. It is merely conclusory without the specific facts for example “. . . known and unknown to the Grand Jury . . .”. Who were the known people, (we can presume they are the five defendants; but were there others? Were each and every one of the five defendants “. . . knowingly using and carrying firearms . . .”? Of the Five defendants named; which ones had the firearms and which ones did not? **If one or more of the five defendants didn’t have a firearm the statute does not apply and they cannot be found a danger under this statute and deserve immediate release!**

The indictment goes on to charge: “. . . they may be prosecuted in a court of the United States . . .” and they provide no factual basis (the locus delicti) to determine which court. The Constitution Amendment VI provides in pertinent part: “[i]n all criminal prosecutions, the

accused shall enjoy the right to a speedy [60 days; 90 day maximum without consent for longer period] public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law and . . . to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have assistance of counsel for his defense.”

Who is the live non-government witnesses that can testify to any facts? Defendant declares there is none!

CONCLUSION

There never has been a fair hearing comporting with Defendant Ryan Bundy’s right to be free from restraint pending trial.

Necessity and Justice require an immediate pretrial release or a full evidentiary hearing where Defendant can confront and cross examine the prosecution witness(s) that would testify to facts, under oath, that would prove that Defendant Ryan C. Bundy is a substantial danger to the community or a flight-risk in light of having substantial roots in Clarke County, Nevada.

Defendant has very large family ties and respects LOCAL LAW ENFORCEMENT and will on his own oath return for of all properly notice hearings until this matter is settled.

Respectfully submitted,

/S/

Ryan C. Bundy-In Propria Persona, Sui Juris

VERIFICATION

I certify the foregoing is true and correct under the penalty of perjury pursuant to 28 USC § 1746 that I am over the age of 18 years, that I have personal knowledge of the facts stated herein, and that I am fully competent to testify to those facts.

/s/

Ryan C Bundy-In Propria Persona, Sui Juris

CERTIFICATE OF SERVICE

This the 22nd day of December 2016 a true and correct copy of the foregoing was served to the court, and opposing counsel by efile.

/s/

Angela Dows

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